

**FORM 26. Docketing Statement****UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT****No. 16-1410****Telebrands Corp. and Bed Bath & Beyond Inc.****v.****Tinnus Enterprises, LLC and Zuru Ltd.****DOCKETING STATEMENT**

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing. All questions must be answered or the statement will be rejected.

Name of the party you represent Telebrands Corp. and Bed Bath & Beyond Inc.

Party is (select one)



Appellant/Petitioner



Cross-Appellant



Appellee/Respondent



Intervenor

Tribunal appealed from and Case No. Eastern District of Texas, No. 6:15-cv-00551-RWS-JDLDate of Judgment/Order 12/02/15 & 12/22/15 Type of Case Patent InfringementRelief sought on appeal Reversal of Order

Relief awarded below (if damages, specify) \_\_\_\_\_

Order granting Plaintiffs' motion for preliminary injunction, and order entering preliminary injunction and setting bond amount of \$50,000.

Briefly describe the judgment/order appealed from \_\_\_\_\_  
The Court granted Plaintiffs' motion for a preliminary injunction on December 2, 2015, and on December 22, 2015, entered an order, enjoining Defendants from making, using, importing, marketing, advertising, offering to sell, or selling in the United States the Balloon Bonanza product or any colorable imitation of the same that infringes U.S. Patent No. 9,051,066.

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**Form 26****FORM 26. Docketing Statement (continued)**

Nature of judgment (select one)

- Final Judgment, 28 USC 1295
- Rule 54(b)
- Interlocutory Order (specify type) Preliminary Injunction
- Other (explain; see Fed. Cir. R. 28(a)(5)) \_\_\_\_\_

Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued  
In re Telebrands Corp., No. 2016-106Brief statement of the issues to be raised on appeal \_\_\_\_\_  
See attached list of "Issues On Appeal"

Have there been discussions with other parties relating to settlement of this case?

 Yes       No

If "yes," when were the last such discussions?

- Before the case was filed below?
- During the pendency of the case below?
- Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated?

 Yes       No

If they were mediated, by whom? \_\_\_\_\_

U.S. Magistrate Judge Falk

**FORM 26. Docketing Statement (continued)**

Do you believe that this case may be amenable to mediation?  Yes  No

If you answered no, explain why not \_\_\_\_\_  
All prior attempts to settle have been unsuccessful.

Provide any other information relevant to the inclusion of this case in the court's mediation program. \_\_\_\_\_  
None

I certify that I filed an original and one copy of this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this 19th day of January, 2016

by: Electronic Mail

(manner of service)

Robert T. Maldonado

/s/ Robert T. Maldonado

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**Issues On Appeal**

1. Whether the District Court erred in granting Plaintiffs' motion for a preliminary injunction?
2. Whether the District Court erred by finding that Defendants have failed to raise a substantial question of patentability with respect to the U.S. Patent No. 9,051,066 ("the '066 Patent") is likely valid?
3. Whether the District Court erred by finding that Plaintiffs are likely to prove that the '066 Patent is infringed?
4. Whether the District Court erred in finding that Plaintiffs established irreparable harm based on confusion, harm to reputation, and price erosion?

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by e-mail, on January 19, 2016, on the following counsel of record:

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